

REMARKS

Claim Rejections

Claims 1-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Higgins (US 5,270,922) in view of Garcia (US 3,598,308), and further in view of Galant (US 6,839,686).

Drawings

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

Claim Amendments

By this Amendment, Applicant has amended claims 1 and 2 of this application. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

(A) Present invention compared with Higgins

In Figs. 1A and 1B of Higgins, in the source level 10 where the basic data characterizing securities trading is generated and supplied by the New York Stock Exchange 28 to the ticker plant 35. Also the comparable trading information supplied by other domestic regional exchanges 30_{1-n}, and worldwide information may be included as well. The ticker plant 35 output is supplied via a microwave uplink 38 and/or a television radiated transmission digital signal 40 to receive-only earth stations at the area and branch computer location 50 and 90. Another major source of information in the source level 10 is come from news wire sources 24 which generally provide financial market and news information via land lines 25 to the various area and branch computers 50 and 90. The main objective and purpose of the cited reference – Higgins is use financial market data provided by ticker plant 35, and financial/economic news information from major news sources 24 for users/subscribers make use of monitoring major economic and financial market real-time dynamic data and activities, and to

process analysis let users to make the final decision whether or not to process buy/sell action.

When the data information of ticker plant 35 uplinked, the ticker receiver 70 in the various area and branch computers 50 and 90 can through antennas 80 and 81 for respectively receiving real time dynamic data and information used in the system workstation 110. The display 107 of system workstations 110 has multi-window display, which the user is able to monitoring real-time dynamic market information from ticker plant 35 and from news wires 24, and history data stored in the main sever 14 and data base 12 of the source level 10. The user can use keyboard 112 input instruction to setup the contents (such as change overall stock market to specific stock) of multi-window display in the display 107 according to user's demand. Also the user can pre-set target mark for a specific stock or security bond, for example, when current price fluctuation of a specific stock or security felt into pre-set target area, the computer can warn the brokers or users, and for those individuals can decide to sell or buy particular stock or security bond.

The computer structure is base on branch computer 50 act as local server for the multiple workstations which can process computing and storing data to support each others. When branch computer 50 exceed the computing limit and overwhelming by huge quantity of computing data, the branch computer 50 send request to main server 14 for data computing, and then send the computed result to work station after received answer from main server 14.

Therefore, the cited reference Higgins teaches a traditional design that the objective of through computer workstation wherein the user needs to gathering the data of different time periods (such as monthly, weekly, daily, hourly, 30 minutes, 15 minutes, or 5 minutes) change of K_jBD number or other technical indexes number for allow the overall fluctuation tendency in hand, and for the investor able to determine bull/bear trends. Nevertheless, even the investor can use those kinds of technical indexes as technical analysis tools to judge the overall raising-up/lowering-down trends; but the charts or forms of those technical indexes are individually non-integrated exist, cause the investor lost mind in short term bull/bear trends, and forget the overall change in trends, and can not clarify the overall trends of the primary and the secondary relationship.

And so as one who want to review the change of technical indexes in different time periods, one who need to synchronize open many charts or forms of data to find

out the needed information (Because current form of data only shown single item in single time period of general stocks; such as a single data form shown general stocks in the same time period, but not a stock shown multi time periods.), and then try to integrate those technical indexes in different time periods. By doing so, the investor is hard to in control of the change of technical indexes in different time periods. If the user wants to review huge volume of technical indexes or displaying different time periods of multiple stocks technical indexes, the current exist general purpose apparatus (except super or large computer) for computing those data will be overloaded. Therefore, it could cause inconvenience of use in real-time operate the stock exchange, and then cause disadvantage of in control the overall trends.

The present invention has a different objective which resolves current user's dilemma, be able to monitoring real-time financial market, and is easy to use. A global financial commodity bull/bear positioning device in accordance with the present invention comprises a processing unit 1, an input unit 2, a display unit 3, and a program unit 4. The processing unit 1 is electrically connected to the input unit 2 and the display unit 3, and the processing unit 1 is capable receiving real-time information. Be more specifically, present invention generally relates to a global financial commodity bull/bear positioning device, and in particular to a device comprising a program unit 4 installed in a processing unit 1 for illustrating market disks 10 on a display unit 3, a plurality of rotating pieces 12~15 being movably arranged on the market disk 10 and associated with different periods of time to be applicable to all kinds of technical indexes (such as KD index, RSI index, --- etc.), an input unit 2 allowing for user's input of values of the indexes 113 of different time periods corresponding to each rotating piece whereby a positioning section of each rotating piece is movable within and between raising-up section 111 and lowering-down section 112 of the disk base 11 to show indication of the bull/bear market, and the bull/bear market information of different time periods being combined together to allow for access and understanding of interaction between different time periods and thus allowing for access of publicly available information and reflecting current situation of market. Moreover, the different time periods of bull/bear information can be intergraded into a whole, to allow the users simultaneously to in hand of information of different time periods. Also it has easy to operate and fast access public information that reflecting current situation of market, and thus enabling correctly handling the trend of market, which increase the practical use and

convenience. Therefore, from the above opinions, present invention is different than Higgins the cited reference.

(B) Present invention compared with Garcia

In Garcia, the embodiment of calculator illustrated in Fig. 4 comprises disc 1 which has a graduated scale of interest rates expressed in terms of basis points located about its periphery. Disc 2 is rotatably mounted atop disc 1 by means of pin 3. Printed upon disc 2 is a circular table consisting of a plurality of spaced columns of numbers and a pointer 4. The numerical indicia at the top of each column adjacent the scale of interest rates shown on disc 1 represents the difference in basis points between the interest rate there above on disc 1 and the interest rate pointed to on disc 1 by pointer 4. The numerals in each column are linearly graduated from the number at the top adjacent disc 1 to zero. A transparent, plastic cursor 5 is rotatably mounted atop disc 2 by pin 3. Two scales of numbers 6 and 7 appear on the cursor. Scale 6 consists of a column of consecutive, even whole numbers equally spaced between 0 and 100 percent which are indicative of premium differential ratios. Scale 7 is a column of dates which commence at the top of the cursor with the current date and descend downwardly with subsequent dates.

To operate the calculator either disc 1 or 2 is rotated with respect to the other until arrow points to the interest rate shown on disc 1 which corresponds to the coupon rate of the discount bond to be evaluated. Cursor 5 is then moved until the basic rate of yield appears there under just to the right of scale 6. Next the number on disc 2 aside either the maturity date on scale 7 or the premium differential ratio on scale 6. For example shown in the Fig. 4, a discount bond having a coupon interest rate of 3.5%, a basic yield of 4% and a maturity date of 1974 should have a market yield of 4% plus 0.4% at the time of computation assumed here to be 1969.

In Fig. 6 is shown another embodiment of the calculator which includes the members of the calculator shown in Fig. 4 with certain additions thereto including disc 8 which is disposed beneath disc 1. The numerical indicia of disc 8 in the figure indicate the quality code of the bond, and the pencil marking date in the date mark area, of course is erasable.

From the above recited of reference case, Garcia discloses disc 1, disc 2, and pointer 4 where the disc 1 shown the interest rates, disc 2 indicates the numerical indicia at the top of each column adjacent the scale of interest rates shown on disc 1

represents the difference in basis points between the interest rate there above on disc 1 and the interest rate pointed to on disc 1 by pointer 4. When use the calculator, cursor 5 needed is rotatably atop the disc 2 for the interest rates of different years.

On the other hand, the device of the present invention comprises a processing unit 1, an input unit 2, a display unit 3, and a program unit 4. The processing unit 1, which can receive vary of different real-time information or data, is electrically connected to the input unit 2 and the display unit 3. The program unit 4 is installed in the processing unit 1 and is capable to illustrate one or more financial market disks 10 on the display unit 3.

The financial market disks 10 comprises of a disk base 11 and a plurality of rotating pieces 12, 13, 14, and 15 movably arranged on the disk base 11. The disk base 11 is composed of a "raising-up" section 111, a "lowering-down" section 112, both of which has a circumference on which indexes 113 are marked. The rotating pieces 12~15 are made as circular disks of different radii and are rotatably mounted to a top face of the disk base 11. Each rotating piece 12~15 has a positioning section 121, 131, 141, 151 corresponding, respectively, to the raising-up section 111 and lowering-down section 112 of the disk base 11 for indication of bull/bear market of different periods of time.

In the present invention, the disk base 11 is composed of a "raising-up" section 111, a "lowering-down" section 112, both of which has a circumference on which indexes 113 are marked. This is different than Garcia disclosed disc 1 which shown numerical of interest rates only. In the present invention, the rotating pieces 12~15 are made as circular disks of different radii and are rotatably mounted to a top face of the disk base 11. Each rotating piece 12~15 has a positioning section 121, 131, 141, 151 corresponding, respectively, to the raising-up section 111 and lowering-down section 112 of the disk base 11 for indication of bull/bear market of different periods of time. And this is different than Garcia disclosed disc 2 which shown the difference in basis points between the interest rate there above on disc 1 and the interest rate pointed to on disc 1 by pointer 4.

In the present invention, a device comprising a program unit 4 installed in a processing unit 1 for illustrating market disks 10 on a display unit 3, a plurality of rotating pieces 12~15 being movably arranged on the market disk 10 and associated with different periods of time to be applicable to all kinds of technical indexes (such as KD index, RSI index, --- etc.), an input unit 2 enter the values of the indexes of different

time periods corresponding to each rotating piece whereby a positioning section of each rotating piece is movable within and between raising-up section 111 and lowering-down section 112 of the market disk 10 to show indication of the bull/bear market, and the bull/bear market information of different time periods being combined together to allow for access and understanding of interaction between different time periods and thus allowing for access of publicly available information and reflecting current situation of market. This is totally different than Garcia disclosed the disc 1, disc 2, pointer 4, and a transparent plastic cursor 5.

Finally, the present invention is enable to display a multiplicity of market disks 10 on the display unit 3 by the program unit 4 under the control of the processing unit 1 so as to allow the investors to simultaneously operate on a number of different kinds of stocks, trends of weighted average index of stock market and other financial commodities (such as foreign exchange market, Morgan futures, Taiwan stock index future, Tokyo Nikkei index, Dow Jones Industry index, --- etc.), which improve overall practicability and convenience. Unlike the calculator of Garcia only perform a single market yield on discount bonds. Therefore, the overall components of structure and the objectives are very different between present invention and cited reference – Garcia.

(C) Present invention compared with Galant

Galant's invention is a financial market information analysis computer apparatus specifically for the stock broker; the system includes hardware and software. Hardware is computer and secured networking structure. Software mainly is graphical user interface type data base display. All of the information and data from the major stock exchanges and news from the main new sources are storing in the central main server and/or local main server. Through the selection menus (mainly in the top and left side of the display screen, such as in Figures labeled 101~107, 111~132, and 411~436), user can choose the needed real-time or at least pervious 5 days data and information displaying on the workstation monitor. After use computer to analysis the data, user can make decision to buy/sell particular stock in the market.

Also in the specification col. 23, lines 35-43; col. 32, lines 61-col. 33, line 3 of Galant, it states "The OAS calculations may be performed as described above by the user entering the values of the three known variables and then clicking the on button corresponding to the unknown value." (Please also refer to Fig. 30~33); "Toolbar option Indices 2112 provide the user with current equity information similar to that displayed

on Front Page 100, although in greater detail. In a preferred embodiment, the curves for each index are provided. In a further preferred embodiment, each graph contains a pull-down menu that permits a user to select any of a variety of indices including Dow Jones Composite Average, Dow Jones Industrial Average, Dow Jones Transportations, Dow Jones Utilities, NASDAQ Composite, NYSE Composite, Russell 200, S&P 500, and AMEX Composite.”

Therefore, Galant teaches all of the information and data from the major stock exchanges and news from the main new sources are storing in the central main server and/or local main server, user can choose the needed real-time or at least pervious 5 days data and information displaying on the workstation monitor through click the button on the selection menus. Such as in Fig. 21, when creating the yield curve, the system 10 selects Treasury securities having three-month, six-month, one-year, two-year, three-year, five-year, seven-year, ten-year, and 30-year maturities and, for each security, plots the time to maturity (x-axis) against the percent value of the yield (y-axis). Hence, user can find a graphic chart show several yield curves in different time periods on the screen. User can check and analysis varies different graphical or text data for the best judgment of buying/selling a specific target stock.

From the above recited of reference case, Galant's invention similar to the traditional design to which allow in hand of overall yield trend in different time periods, user need to access different time periods of yield rates and build the yield curves. However, those kinds of technical analysis tools can provide user judging the trend of target investment, but due to the chart or format data exist separately without integrated, the investors lost in short term change of situation and overlook the overall trend change, and can not clarify the primary and the secondary relationship of overall trends.

In the present invention, a device comprising a program unit 4 installed in a processing unit 1 for illustrating market disks on a display unit 3, a plurality of rotating pieces 12~15 being movably arranged on the market disk 10 and associated with different periods of time to be applicable to all kinds of technical indexes (such as KD index, RSI index, --- etc.), an input unit 2 enter the values of the indexes of different time periods corresponding to each rotating piece whereby a positioning section of each rotating piece is movable within and between raising-up section 111 and lowering-down section 112 of the market disk 10 to show indication of the bull/bear market, and the bull/bear market information of different time periods being combined together to allow

for access and understanding of interaction between different time periods and thus allowing for access of publicly available information and reflecting current situation of market, which increase the practical use and convenience.

Also refer to Fig. 9 in present invention, in use, a plurality of rotating pieces 61~74 is arranged on the top face of the disk base 11. The rotating pieces 61~74 can be grouped as a number of sets, such as the rotating pieces 61~64 forming a first set, 65~68 forming a second set and so on. The rotating pieces 61~74 can be grouped in different ways, such as 61~67 grouped as the first set, while 68~74 grouped as the second set. This allows the disk base 11 to simultaneously operate on several particular stocks and number of disk bases 11 can be displayed. Thus, a user may simultaneously operate a number of stocks or predict the trends.

Therefore, use of K and D numbers of KD indicator and RSI number of RSI indicator in the present invention is not just an aesthetic design only. And present invention is very different than Galant's apparatus, method, and data structure.

(D) Conclusion

As discussed above, the cited references have unique technical patent limitations which are different than the present invention; and it is impossible to combined three cited references and integrate them together to create the present invention. All the cited references have a disadvantage of which all kinds of technical indexes of chart or form data are individually exist in the traditional financial market and without entirely integrating those information or data. Hence, the present invention corrects this disadvantage and integrate those information and data effectively. The present invention allows the user to fully manage change of technical indexes in different time periods, and when the user wants to monitoring large volume of technical indexes of different time periods (or simultaneously monitoring multiple stocks), the computer apparatus still able to work constantly and fast, this will effectively improve the current disadvantage of using traditional method. Present invention has the advantage of simple, fast, steady, and accurate effects; it fully reflects current market situations and cultivation of stock holdings. The present invention merges eastern philosophy and western technology, and the present invention performs itself specifically and precisely provides the user with overall real-time trends.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the

basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious. The Supreme Court, in *KSR International Co. V. Teleflex Inc. et al.*, 550 U.S. 1, 82 USPQ2d at 1391 (2007), reaffirmed the framework of *Graham v. John Deere Co. of Kansas City* for determining obviousness under 35 U.S.C. 103. In that decision, the Supreme Court stated, at page 2:

In *Graham v. John Deere Co. of Kansas City*, 383 U. S. 1 (1966) , the Court set out a framework for applying the statutory language of §103, language itself based on the logic of the earlier decision in *Hotchkiss v. Greenwood*, 11 How. 248 (1851), and its progeny. See 383 U. S., at 15–17. The analysis is objective:

“Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” *Id.*, at 17–18.

While the sequence of these questions might be reordered in any particular case, the factors continue to define the inquiry that controls. If a court, or patent examiner, conducts this analysis and concludes the claimed subject matter was obvious, the claim is invalid under §103.

The Supreme Court, further explained that:

Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit. See *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006) (“***[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there***

must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness"). KSR at 1396 (Emphasis Added).

Applicant submits that the above-presented arguments clearly indicate that the Examiner has failed to provide an "articulated reasoning with some rational underpinning to support the legal conclusion of obviousness" for combining selected elements of Higgins with selected elements of Garcia, and/or Galant. *KSR* at 1396 (citing *In re Kahn* at 988). Clearly, such a combination is not an acceptable combination under 35 U.S.C. §103. The rejections of Applicant's claims as being rendered by the aforementioned combinations of references under 35 U.S.C. §103 are respectfully traversed.

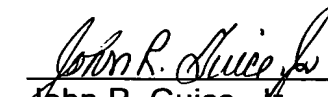
Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: April 28, 2008

By: _____


John R. Guice, Jr.
Reg. No. 39,699

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707

CUSTOMER NUMBER: 40144